
2004 Wis Eth Bd 02
GRANTS; IMPROPER USE OF OFFICE; LOBBYING LAW

The Ethics Board advises that a state agency may accept a grant from a company that employs a lobbyist for an agency program initiative.

Question

¶1 You asked whether, consistent with statutes administered by the Ethics Board, your Department may enter an accord with Company A, whereby the company will pay for consultative, educational, and intervention services related to a program within your Department's responsibilities.

Advice

¶2 It may.

¶3 You note correctly that the company pays lobbyists to try to affect the course of legislation and administrative rules in Wisconsin. In 2003, the company reported paying substantial amounts to lobbyists to have them affect a number of proposals. A majority of the company's lobbying effort last year was directed at the portion of your agency's budget related to the program area that is the subject of the company's offer.

¶4 A general rule of Wisconsin's law is that an organization that employs a lobbyist to affect Wisconsin laws may provide nothing of pecuniary value to a key official of any branch of government, but Wisconsin's lobbying laws do not establish an obstacle to an organization's donating goods or services to government.

¶5 There is likely to be a natural antagonism between certain elements of your department's activities and the company's interest in the program initiative it has offered to fund, but this conflict is not one addressed by statutes that the Ethics Board administers. This inherent conflict may cause you to decide against the department's entering an accord with the company; or you may be able to separate functions within your department to mitigate the likelihood or effects of conflicts that may arise.

¶6 In any event, the Department, guided by its own assessment of the factors at play, may decide without contradiction from the Ethics Board, whether or with what limitation or safeguard it will accept the company's offer.

¶7 We understand that the company approached the Department with this proposal. This is important because you and officials of your department are not to solicit money, or grants, or assistance from businesses and organizations that, through paid lobbyists, try to affect our state's laws or rules.